

## **Lewis County Planning Commission**

### **Public Meeting**

Lewis County Courthouse  
Commissioners' Hearing Room – 2nd Floor  
351 NW North St – Chehalis, WA

### **January 14, 2014 - Meeting Notes**

**Planning Commissioners Present:** Mike Mahoney, Russ Prior, Richard Tausch, Bob Guenther, Arny Davis, Clint Brown

**Staff Present:** Lee Napier, Stan May, Glenn Carter, Pat Anderson

**Others Present:** Please see sign in sheet

#### **Handouts/Materials Used:**

- Agenda
- Meeting Notes from October 8, 2013
- Lewis County Setback Proposal

#### **1. Call to Order**

Chairman Davis called the meeting to order at 6:00 p.m. The Commissioners introduced themselves.

#### **2. Approval of Agenda**

There were no changes to the agenda.

#### **3. Approval of Meeting Notes**

A motion was made and seconded to approve the meeting notes from October 8, 2013. The motion carried.

Chairman Davis asked to skip to New Business (A) for election of officers. He asked for nominations for Chair. Commissioner Guenther nominated Mike Mahoney; Commissioner Prior seconded. There were no other nominations. The vote was unanimous for Mr. Mahoney.

Chair Mahoney asked for nominations for Vice Chair. Commissioner Prior nominated Clint Brown; Commissioner Davis seconded. There were no other nominations. The vote was unanimous for Mr. Brown.

#### **4. Old Business**

##### **A. Status on Shoreline Master Program**

Mr. Stan May distributed a paper that covered some answers to previous questions. The jurisdiction maps may not be accurate and Mr. May wanted the Commissioners to know that the maps are not meant to determine exact locations of the shoreline jurisdiction but rather how the jurisdiction is established. There is also disclaimer language that is currently used on official Lewis County maps.

Mr. May pointed out some of the statements from the Commissioners at a previous meeting. Mr. May reiterated that the shoreline jurisdiction is not based on parcel lines like ARL, but rather on natural features that can change over time.

Chairman Mahoney asked if a person's property was shown within the shorelines jurisdiction would it be up to that person to prove that the mapping is incorrect. Mr. May stated that was correct; it would be the same for a critical area. Chairman Mahoney asked if any permitting would require the shorelines process if it is within the 200 feet, regardless of elevation. Mr. May stated that was correct also. The shoreline jurisdiction is 200 feet, measured horizontally, and it is not just to cover land that is inundated with water, but to cover land that is in proximity to the shoreline because what happens near the shoreline will create an impact. Mr. May stated that property within 200 feet of the shoreline (ordinary high water mark) or 200 feet of the floodway will need to meet the requirements.

Commissioner Brown asked if a large percentage of occupied properties would be covered by the SMP. Mr. May stated it is not a large percentage; the places with the broadest affect are in West county where the floodway and wetlands of the Chehalis have a major impact. Most of those properties have fairly low density. It will impact swaths of Chehalis and Centralia; less so in the smaller towns. Commissioner Brown asked what that percent of the population is. Mr. May stated he did not know but after the inundation maps are available that may be more clear.

Commissioner Brown thought the burden of proof whether or not a property is within the shoreline jurisdiction should be on the county. Mr. May stated the landowner needs to produce a wetland report to show that the property is not in the wetland buffer for a critical area. The SMP will work the same. He reminded the commission that the SMP is not a "no build" zone. There will be an additional layer of regulations with which to comply, and there will be a cost associated with it.

Commissioner Prior did not think the landowner should be required to pay for a report if the mapping is incorrect. He knows there is incorrect mapping in the Packwood area. Mr. May stated the mapping is based on maps that are provided by the state and to change all of those maps would be cost prohibitive. That is why the SMP and Critical Area Ordinance are based on a project-by-project basis.

Commissioner Prior stated the SMP process seems to be languishing. He asked why there have been no Citizens Advisory Committee (CAC) meetings. Mr. May stated the SMP was halted over concerns on using the 2010 preliminary floodway maps as a basis for the shoreline jurisdiction. Moving forward was difficult until there was support from the County. We needed to be able to show the environmental designations in the jurisdiction before we could apply regulations, goals and policies to the floodway. Extensive research and analysis was conducted and staff suggested we try integrating changes that were proposed by the Flood Risk Coalition. Those were overlaid on the proposed basis for the jurisdiction (which is now being called the flood course). The County concurred with the overlay; Ecology concurred with only minor changes.

Areas that were removed were relatively minor. What we negotiated out with Ecology were the remaining portions of what the Coalition had recommended. The next step is to give AHBL the go-ahead. There will be a CAC meeting in February.

Commissioner Brown asked who makes up the Flood Risk Coalition. Mr. May stated it includes county government, Centralia, Chehalis, FEMA, DOE and the Chehalis and Centralia Ports.

Commissioner Davis confirmed that the 2010 map was used as the basis to help create the new flood course map which is now accepted by the BOCC to move forward with the SMP. Mr. May stated that was correct.

Commissioner Guenther asked if the Planning Commission would need to go through each stream [to make a recommendation]. Mr. May stated the goal is to have the CAC do the detail work and bring something to the Planning Commission for a final review to see if anything was missed.

Commissioner Guenther stated he wants to see those maps. Mr. May stated the water bodies and streams and rivers are already pre-established. We are not adding or selecting streams for inclusion.

Chairman Mahoney stated the decision is coming from the top down and there is not a lot that can be done. We need to protect the citizens the best we can.

Commissioner Brown stated he would like to see the WACs and RCWs that will be amended to accommodate the new SMP. Mr. May stated he could provide links to the websites for the WAC and RCW and for the SMP handbook that Ecology is using.

Commissioner Davis asked what made DOE and the BOCC agree on the new map. Mr. May stated he did not know but that the flood course is substantially different from the 2010 floodway map, especially in the Chehalis basin.

## **5. New Business**

### **B. Workshop: Introduction to Setbacks**

Mr. May stated there are quite a few nonconforming small lots in rural Lewis County. Often times they have covenants showing minimum setbacks which were a defacto standard setback in development for a long time. The covenants are meant to be used amongst the homeowners; they are not county regulations or code. They are usually defined as 5 feet and the county code calls for 10 feet. If those permits were challenged the county would have a difficult time defending the setbacks.

Community Development looked at other counties to see how they regulated setbacks on nonconforming lots. The table in the handout shows an example of side setbacks in other rural counties. Because this issue comes up regularly in the permitting department, the staff came up with a list of suggestions on how to resolve it. Page 2 of the handout shows the recommendations.

Mr. May stated the setbacks are based on the type of building, not on zoning. The recommendation in this table is to change the side setback from 10' to 5'.

Commissioner Prior suggested adding "rear" to the bottom table in the setback column so it is clear as to which setback is being referenced.

Commissioner Prior stated if you have forest resource land that abuts your property he wants to make sure that setback does not change. Mr. May stated the resource land setbacks will be placed better in

the code during the code scrub so they are more obvious and a developer will see them. Commissioner Mahoney asked if it would be appropriate to put them in this setback table. Mr. May would like to do that.

Commissioner Prior asked what defines the front, rear and back of a property. Mr. May stated the front is generally where the property is accessed from the road. Sometimes if it is a through lot it is going to be which way your building is situated.

Commissioner Davis stated this would be on the permit, also.

Mr. May asked the Commissioners to review the setback proposal.

Mr. Michael Brasch, 3227 NE 156<sup>th</sup>, Portland, is a property owner in High Valley. He would like to build a carport there. He has a nonconforming lot and he is dealing with a septic and a drainfield. The setbacks create a problem for adding another building. This also impacts builders. Mr. Brasch would like the setbacks to be more in line with other counties and he does not believe a 5' setback is unreasonable. It would allow him to build his carport.

Commissioner Tausch would like to see the rear setback at 5' or 10'. He did not understand why the industrial and commercial rear setbacks are at 0'.

Commissioner Brown asked Mr. Brasch's opinion about the front and rear setback. Mr. Brasch thought 25' in the rear is difficult. He would like to see a way to talk to the administrator to explain the situation and come up with an agreed-upon outcome. He would like to see 5' or 10' setbacks for the front and rear. If that is not acceptable then an administrative path would be a plausible idea. He understands there is a variance opportunity even if it does not turn out positive.

## **6. Calendar**

The next meeting will be on January 28, 2014.

## **7. Good of the Order**

Commissioner Prior asked if there had been any progress on finding a replacement for Mr. Lowery. Ms. Napier stated Commissioner Fund is looking for someone and has a candidate in mind.

Ms. Napier stated Lynn Deitrick left the county and his position has been filled. Starting on February 3, Karen Witherspoon will be the new current planner. She comes from Skamania County and is very excited about coming to Lewis County.

## **8. Adjourn**

The meeting adjourned at 7:19 p.m.